UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,831	02/18/2004	Roger D. Hewson		3730

7590 12/20/2007	**EXAMINER**
Roger D. Hewson	GISHNOCK, NIKOLAI A
22 Hewson Rd.	
P.O. Box 38	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
12/20/2007	PAPER

Roger D. Hewson
22 Hewson Rd.
P.O. Box 38
South Casco, ME 04077

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Interview Summary	10/780,831	HEWSON, ROGER D.
	Examiner	**Art Unit**	
	Nikolai A. Gishnock	3714	

All participants (applicant, applicant's representative, PTO personnel):

(1) _Nikolai A. Gishnock_.

(3)_Roger D. Hewson_.

(2) _Ronald Laneau_.

(4)_____.

Date of Interview: _17 December 2007_.

Type: a)☒ Telephonic b)☐ Video Conference
     c)☐ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☒ No.
    If Yes, brief description: _____.

Claim(s) discussed: _19_.

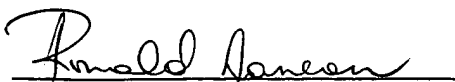Identification of prior art discussed: _Wood el al. (US 2002/0045154 A1), Myers-Briggs Type Indicator_.

Agreement with respect to the claims f)☐ was reached. g)☐ was not reached. h)☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _See Continuation Sheet_.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See agenda for telephone interview of 12/11/2007. Applicant discussed the impetus for proposed amendments to the specification based on his understanding of the referenced sections of the MPEP. see pages 2-5. The Examiners agreed that the specification amendments appeared to have support in the disclosure as originally filed and seemed acceptable. Applicant further discussed his understanding of the concept of "one skilled in the art", see pages 6-7, as a typical authorized practitioner of the Myers-Briggs Type Indicator. The Applicant further discussed the issues brought forward under 35 USC 112 and 101, see pages 8-9, in reference to proposed new claim 19, see pages 10-13. The Examiners stated that their preliminary assessment of the claim did not uncover any issues under 35 USC 112. The Examiners further stated that claim 19 as proposed seemed to comply with 35 USC 101 in that utilizing documents and survey reports is claimed in the method, see para. (h)-(k), pages 11 & 12. The Examiners then addressed the proposed claim 19 in view of 35 USC 103, and stressed the obviousness of features that may be construed as design choices, such as the names of the cognitive functions or the manner of subdividing the functions into columns. The Applicant stated that differences existed between the cognitive traits described in the prior art and the cognitive functions of the present invention, as well as the significance of the right and left hand columns coordinating with right and left brain thinking. The Examiners stated that any perceived differences between the Applicant's invention and the prior art would need to be on the record, and that a new search of the claims would be required. No agreement was reached on the patentability of proposed claim 19.

Roger D. Hewson
22 Hewson Rd., P.O. Box 38
South Casco, ME 04077

Memo Form: Fax_X__ Mail____

To: Examiner Nikolai A. Gishnock

Of: U.S.P.T.O.

Re: Appn. 10/780,831

From: Roger Hewson

Date: December 11, 2007

Fax No: 571-273-1420

No. of Pages: memo plus 13 pages

Examiner Gishnock,

Re: Telephone Interview

Per our telephone conversation today, the Applicant looks forward to a telephone interview with you and Primary Examiner Ronald Laneau at 1 PM on Monday, December 17th, based on the attached agenda.

Further to our telephone conversation on December 10th, enclosed please find a memo covering further additions to the Amendment draft dated November 6th, including a draft copy of a proposed new single Claim 19. Claims 1 to 18 have been cancelled.

The overall material and subject matter of the claims has been considerably reduced to facilitate a brief review process, and to establish a clear definition of the language preferred by the USPTO to cover this patentable, novel, and unobvious invention. A small number of additional claims may be added to the final Amendment as officially presented, which would be variations on the wording recommended for this single claim.

Your earlier verbal comments on November 15th on my November 6th draft copies of the Amendment, Claims, and Declaration were most helpful in preparing a response to your constructive comments. This preliminary informal review process serves to improve the effectiveness and efficiency of the USPTO in dealing with this patent application in the least amount of time, and with the least amount of formal written documentation by the USPTO.

The Applicant respectfully requests assistance under MPEP 707.07(j) 11, 2173.02, and 2173.05(d) to "suggest claim language to applicants to improve the clarity or precision of the language used."

Thank you for arranging this interview so promptly.

Sincerely,

Roger Hewson

Roger Hewson

Office Tel: 207-655-6000   Home Tel: 207-655-3658   Fax: 207-655-6006

PAGE 1/14 * RCVD AT 12/11/2007 3:33:43 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/14 * DNIS:2731420 * CSID:207 655 6006 * DURATION (mm-ss):04-30

REQUEST FOR TELEPHONE INTERVIEW

In the United States Patent and Trademark Office

Application No.: 10/780,831

Application Filed: February 18, 2004

Applicant: Roger Hewson

Title: Developing the Twelve Cognitive Functions of Individuals

Examiner: Nikolal A. Gishnock

> Faxed: December 11, 2007
>
> At: South Casco, Maine, 04077

AGENDA FOR TELEPHONE INTERVIEW

1. Review of format of revisions to several paragraphs of the Specification, and remarks regarding these revisions, as provided on page 2 herein.

2. Review of added Remarks re "Definition of 'One Skilled in the Art,'" as provided on page 6 herein.

3. Review of Remarks re "Replacement of Canceled Claims with New Claims," as provided on page 8 herein.

3. Review of sample Claim #19 for format, compliance with 35 U.S.C 112, antecedents, and wording, as provided on page 10 herein.

DRAFT OF FURTHER AMENDMENT CHANGES

1. DRAFT OF PROPOSED REMARKS RE SPECIFICATION CHANGES

Remarks on Amendments to the Specification. The specification has been amended to provide more definitive summary paragraphs covering the key points of the claims, without adding new matter, in accordance with MPEP 2163.06 regarding use of information from other parts of the application, MPEP 2163.07 regarding rephrasing, and MPEP 2163.07(a) regarding an inherent function, theory, or advantage.

A. Amendment to Paragraph [0043] of the Specification. This amendment provides a definitive summary of the difference between a cognitive function and a trait as it is discussed in other parts of the specifications with no new material added. The following is the original text and the underlined additional text, with MPEP references and other references added in brackets:

[0043] The concept of this invention is based on (a) segmenting the cognitive architecture of our innate thinking process into its unique modular components, called functions in this Invention; (b) identifying the exact cognitive traits common to each cognitive function as readily observable and distinct elements of all behaviors and actions of individuals; (c) naming and describing each cognitive function in conventional language for ease of use and comprehension; (d) determining that individuals perform best and most comfortably when utilizing their preferred cognitive functions; (e) establishing that each of the cognitive functions is a necessary component of truly effective leadership; and (f) creating an individual and leadership development program based on improving competencies in each of these functions. A major distinction must be made between a small number of "cognitive functions" of a modular nature that are units of a human cognitive architecture system [Rephrased under MPEP 2163.07 from wording in [0063] which states: "*Segmenting the cognitive architecture of an individual's innate thinking process into a unique system of cognitive functions so each function can be clearly and explicitly defined and the character*

Appn. No. 10/780,831 Roger D. Hewson Draft of Amendment Changes. 12/11/07 Page 3 of 13

and attributes of each function clearly identified."] and the extremely large number of cognitive "traits" produced by each cognitive function. A cognitive function is a modular unit of cognition that, working individually or in unison with a small number of other cognitive function modules in a set, can produce a very large number of traits described among the many thousands of adjectives in the English language. [Rephrased under MPEP 2163.07 from wording in [0063] which states: "*Identifying that the readily observable and distinct cognitive traits of all behaviors and actions of individuals can be attributed to one of the twelve cognitive functions, can be a subset of a specific function, or can be attributed to a combination of functions,*" A cognitive trait is simply one of a number of distinguishing characteristics or behaviors produced by a single cognitive function, by a subset of that function, or by a combination of several cognitive functions. [Rephrased under MPEP 2163.07 from wording in [0063] as above.] The "cognitive architecture system" referred to above and in the claims is further described herein, and also illustrated in Fig. 1 and Fig. 2 of the drawings. Also, a distinction must be made between brain functions that relate specifically to the activity of cognitive thinking and the many other non-cognitive brain functions that relate to seeing, smelling, touching, hearing, music, art, kinesthetics, and the like. [Added under MPEP 2163.07(a) regarding an inherent function, theory, or advantage.]

B. Amendment to Paragraph [0046] of the Specification. This amendment provides a definitive summary of matching cognitive functions in pairs as discussed in other parts of the specification with no new material added. The following is the underlined additional text, with MPEP references and other references added in brackets:

[0046] This invention includes a code of conditions and rules that governs the use of the twelve cognitive functions, and the interaction of the functions with each other: (a) the functions are matched in pairs with complementary but polar-opposite attributes; (b) we all have a natural preference for one or the other cognitive function in each pair; (c) we are able to use only one function in a pair at a time; (d) our profile of preferred functions is a filter that forms a bias that affects all our thoughts and actions; (e) a person will often use a function opposite to the one they naturally prefer in situations of a different or unusual

nature; (f) memories of all experiences are stored with both facts and feelings about the situation; (g) we all have strengths, non-strengths and weaknesses among the twelve functions, with different levels of competency in each of the functions; and (h) the extreme use of any of the functions can lead to it taking on negative characteristics by becoming overly dominant in the pair and causing the opposite partner in the pair to become ineffective. An important feature of this invention is the novel sorting of this exact set of cognitive functions into pairs matching a "left-brain-style" function with a "right-brain-style" function, with the unique and novel definition of left-brain-style and right-brain-style characteristics clearly defined in the specification of this invention. [Rephrased under MPEP 2163.07 from wording in [0046] and [0072] describing pairs in detail] It is important to avoid confusion or comparison with the many casual, varied, indefinite, often conflicting, and preconceived references to "left-brain" and "right-brain" thinking in prior art that lack the clarity, distinction, and specific definition of the complementary polar-opposite functions in the pairs of this invention. [Added under MPEP 2163.07(a) regarding an *"inherent function, theory, or advantage."*] A further important feature of this invention is guiding individuals to first use the left-brain-style cognitive function in each pair, before using the right-brain-style cognitive function, for most effective use of both, as further described herein. [Rephrased under MPEP 2163.07 from wording in [0149 which states: *"It is most appropriate to use the slower left-brain style function in each pair first, to prepare for the most appropriate use of the faster right-brain style partner next."*] Also, individuals more readily learn and remember the details of items matched in pairs, and more readily learn when items are sorted in column set groups or other groups of items sharing similar attributes and characteristics. The division of the twelve cognitive functions into pairs is illustrated in Fig. 2. [Added under MPEP 2163.07(a) regarding *"an inherent function, theory, or advantage."*]

C. Amendment to Paragraph [0060] of the Specification. This amendment provides a precise definition of the cognitive architecture system as discussed in other parts of the specification, and to add clarity to proposed new claims, with no new material added. The following is the original text and underlined additional text, with MPEP references and other

Appn. No. 10/780,831 Roger D. Hewson Draft of Amendment Changes. 12/11/07 Page 5 of 13

references added in brackets:

[0060] (a) Segmenting the cognitive architecture of an individual's innate thinking process into a unique system of cognitive functions so each function can be clearly and explicitly defined and the character and attributes of each function clearly identified. <u>The cognitive architecture system of this invention is a novel combination of twelve cognitive functions covering the full spectrum of cognition.</u> [Rephrased under MPEP 2163.07 from wording in [0046]]. <u>This system is formed by the interacting and interdependent combination</u> [Per definition of word "system" in The American Heritage Dictionary of the English Language, copyright 1979, which states: *"A group of interacting, interrelated, and interdependent elements."*] <u>of a group of twelve cognitive functions that work together in a complementary way, with each cognitive function supplying characteristics and attributes that the others lack.</u> [Per definition of the word "complementary" in Webster's Seventh new Collegiate Dictionary, copyright 1969, which states: *"mutually supplying each others lack."*] <u>and which form a structurally related group of cognitive functions.</u> [Per definition of word "system" in The American Heritage Dictionary of the English Language, copyright 1979, which states: *"A structurally or anatomically related group of elements or parts."*] <u>This system produces the meaningful result of assisting individuals in viewing the full spectrum of cognition in a readily understandable and learnable way, and using this understanding to improve competence, effectiveness and productivity in everyday real life activities.</u> [Added under MPEP 2163.07(a) regarding an *"inherent function, theory, or advantage."*] <u>The cognitive architecture system is further illustrated in Fig. 1 and Fig. 2.</u>

Appn. No. 10/780,831 Roger D. Hewson Draft of Amendment Changes. 12/11/07 Page 6 of 13

3. Draft Copy of Proposed Remarks Re Definition of One Skilled in the Art. The following addition to Remarks in the Specification is proposed for clearly defining "one skilled in the art" of this invention, as the conventional language and the use of familiar descriptive terms in this invention may incorrectly allow individuals to assume an overly broad interpretation of one skilled in the art.

Definition of "One Skilled in the Art." The understanding and interpretation of this Application as amended herein requires a clarification of the term *"One skilled in the art"* as referred to in many paragraphs of the MPEP, as this skill level is needed to understand the method of use, the practical nature, and useful, tangible, and concrete results produced by this invention as claimed in the claims.

This clarification of the term *"one skilled in the art"* is necessary under 35 USC. §112, second paragraph, and MPEP 2173.02, to ascertain whether *"those skilled in the art would understand what is claimed when the claim is read in the light of the specification,"* This is further covered by MPEP 2164.01, that states: *"A patent need not teach, and preferably omits, what is well known in the art."*

One skilled in the art would be: one of the 50,000 professionally qualified administrators of MBTI; one of the many thousands of individuals professionally qualified to administer other equivalent personality assessment instruments; an individual with a college degree in psychology; an individual trained and experienced at a senior level in a human relations department in a substantial corporation; or the equivalent. The terms "common knowledge" and "conventional utilization" are used in this Amendment to refer to what "one skilled in the art" would readily understand and know about this field of invention.

It is understood that *"one skilled in the art"* would have common knowledge about the many ways the novel cognitive architecture system of twelve cognitive functions, the preference survey instrument, and the survey report of this invention are utilized in a usable, tangible, and concrete way to develop the competence, effectiveness and productivity of individuals in everyday real-life situations.

This "common knowledge" would include knowledge of the conventional utilization of the many and various formats of documentation of this invention and the method of utilizing

this invention, comprising but not limited to: a paper format; an electronic format; a computer program format; a video format; and an audio format; documenting the one or more of the cognitive architecture system, the preference survey, survey report calculations, and the survey report results in feedback format to the individuals completing a survey.

This common knowledge would further include many additional methods and means for providing knowledge about and beneficially utilizing this invention in a useful, tangible and concrete way, comprising but not limited to: the forms of documentation listed above; using individual paper cards, electronic projection means, or computer programs listing the survey traits for each of the twelve cognitive functions thus allowing individuals to rank the twelve cognitive functions in order of magnitude of preferences; instructional games involving groups of people; and the various forms and means for documenting the typical nature and characteristics of entities, employment activities, and other lifestyle activities, relative to the twelve cognitive functions of this invention, allowing each individual to match his or her preferences with the most suitable activities.

Appn. No. 10/780,831 Roger D. Hewson Draft of Amendment Changes. 12/11/07 Page 8 of 13

3. Replacement of Canceled Claims 1 to 18 with New Claims.

Claims 1 to 18 have been canceled, and new claims added, to provide "claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention" in accordance with 35 U.S.C. § 112, and MPEP 2106 II A, to define the useful, tangible, and concrete nature of this invention.

The preferred embodiment of this invention is documenting and utilizing this invention using: (1) a computer based, or a "Powerpoint" style visual projection based presentation of the structure and details of this invention, including the presentation of instructions for completing a preference survey instrument; (2) a computer based preference survey instrument to be completed by the individual, (3) a computer based calculation of survey results, and (4) and a computer production of a survey report indicating the magnitude of preference for each of the twelve cognitive functions including the significance each magnitude of preference in the report will have on everyday real life activities of the individual or entity.

This invention inherits the useful, tangible, and concrete features clearly established by the closest prior art, the Myers Briggs Type Indicator (MBTI), which has been used by 40 million individuals in 17 countries, has 50,000 qualified administrators in the USA, and is currently being repeatedly used by two million individuals per year. This invention provides equivalent usable, tangible, and concrete features compared to the MBTI, but with a measurably superior, different, and more complete structure, producing superior results.

This invention is "useful" in providing a superior alternative to the MBTI. It is "specific, substantial, and credible" in enabling individuals to develop their competencies, effectiveness, and productivity in everyday real life activities.

This invention is "tangible" as a "practical application that produces a real world result." It has a definitive structure of twelve cognitive functions forming a cognitive architecture system. It provides a tangible method of surveying and quantifying the preferences and competencies in each of the twelve cognitive functions of one or more individuals. It provides a tangible method of utilizing a survey report to present the results of the survey to the individual. It provides a tangible method of enabling individuals to improve their competencies, effectiveness, and productivity in real life activities based on this report.

Appn. No. 10/780,831 Roger D. Hewson Draft of Amendment Changes. 12/11/07 Page 9 of 13

It is "concrete" in being "substantially repeatable and producing substantially the same result" for an infinite number of individuals by utilizing a preference survey instrument to quantify the preferences of an individual on a standardized basis, a standardized survey report and a standardized survey report feedback method to convey this information to individuals, and a defined method to use this information to develop the competencies, effectiveness, and productivity of individuals.

Appn. No. 10/780,831 Roger D. Hewson Draft of Amendment Changes. 12/11/07 Page 10 of 13

3. Draft Copy of Proposed New Sample Claim

(Claims 1-18 have been canceled)

19. (NEW) A method to define and document a structure of a cognitive architecture system of a group of twelve cognitive functions, and to utilize the cognitive architecture system of the group of twelve cognitive functions to develop competence, effectiveness, and productivity of one or more individuals, the method comprising the steps of:

(a) defining the attributes, characteristics, and purpose of each of the group of the twelve cognitive functions that are distinct modules of cognition and common to all individuals, wherein the twelve cognitive functions of the group are interactive and interdependent, and wherein the group of the twelve cognitive functions comprises a reality function, an imagination function, an analysis function, an intuition function, a listening function, an expressing function, a cooperation function, an independence function, a caution function, a courage function, an adaptability function, and a decisiveness function;

(b) defining the structure of the cognitive architecture system as the group of the twelve cognitive functions combining to comprise the group of the twelve interacting and interdependent functions of cognition covering a complete spectrum of cognition, with each of the group of twelve cognitive functions being a necessary and distinct modular component of effective cognition, with the group of the twelve cognitive functions working together in a complementary way, and with each of the twelve cognitive functions providing cognitive abilities that the others lack;

(c) defining the group of the twelve cognitive functions of the cognitive architecture system divided into two column sets of the cognitive functions with complementary but polar-opposite styles of cognition, with six of the cognitive functions in each of the column

sets;

(d) defining a left column set of six cognitive functions sharing a left-brain-style of cognition, and comprising the reality function, the analysis function, the listening function, the cooperation function, the caution function, and the adaptability function, wherein the left-brain-style of cognition is an objective, conscious, divergent, and serial processing style of cognition;

(e) defining a right column set of six cognitive functions sharing a right-brain-style of cognition, and comprising the imagination function, the intuition function, the expressing function, the independence function, the courage function, and the decisiveness function, wherein the right-brain-style of cognition is a subjective, subconscious, convergent, and parallel processing style of cognition;

(f) defining the group of twelve cognitive functions in matched pairs of complementary and polar-opposite cognitive functions, wherein each of the left-brain-style cognitive functions is paired with one of the right-brain-style cognitive functions, wherein the reality function is paired with the imagination function, the analysis function is paired with the intuition function, the listening function is paired with the expressing function, the cooperation function is paired with the independence function, the caution function is paired with the courage function, and the adaptability function is paired with the decisiveness function;

(g) defining that the effectiveness of each of the cognitive functions in the pair is increased by using it in a complementary way with its polar-opposite cognitive function in the pair, and how each of the cognitive functions in the pair provides cognitive abilities that the other lacks;

(h) documenting the structure of the cognitive architecture system of the twelve cognitive functions with the twelve cognitive functions matched in the pairs of the cognitive

functions utilizing a format for the document comprising one or more of: a paper format; a computer format; an electronic medium format; a video format; and an audio format;

(i) utilizing the document to educate the one or more individuals about the structure of the cognitive architecture system of the group of the twelve cognitive functions matched in the pairs of cognitive functions to develop competence, effectiveness, and productivity of the one or more individuals in utilizing each of the twelve cognitive functions;

(j) determining a magnitude of preference for each of the group of twelve cognitive functions of an entity utilizing a preference survey instrument: (1) wherein the entity is selected from the group consisting of: (i) the one or more individuals; (ii) another individual; (iii) a group of individuals; (iv) a lifestyle activity role; (v) an employment activity; (vi) an organization; (vii) a geographic region; and (viii) a country; (2) wherein the determining of the magnitude of preference is based on knowledge of innate cognitive preferences, observed cognitive actions, and other cognitive behaviors of the entity indicating the magnitude of preference for traits related to each of the group of twelve cognitive functions of the entity; (3) wherein the six cognitive functions with the highest magnitudes of preference among the twelve cognitive functions are referred to as strengths, and the six cognitive functions with the lowest magnitudes of preference are referred to as potential weaknesses; and (4) wherein the preference survey instrument is provided to the one or more individuals in a format comprising one or more of: a paper format; a computer format; an electronic medium format, a video format; and an audio format;

(k) documenting a survey report indicating the magnitude of preference of the entity for each of the twelve cognitive functions in a format comprising one or more of: a paper format; a computer format; an electronic medium format; a video format; and an audio format; and providing the survey report to the one or more individuals; and

Appn. No. 10/780,831 Roger D. Hewson Draft of Amendment Changes. 12/11/07 Page 13 of 13

(l) developing the competence, effectiveness, and productivity of the one or more
   Individuals by utilizing the cognitive architecture system of the twelve cognitive
   functions, and the determining of the magnitude of preference for each of the twelve
   cognitive functions of the entity, for the one or more purposes of: (1) defining the entity's
   magnitude of preference for each of the twelve cognitive functions matched in pairs, and
   how the magnitude of preferences determine the entity's nature and cognitive behavior;
   (2) defining the strengths and weaknesses in each of the cognitive functions of the
   entity to build on the strengths and overcome the weaknesses of the entity; (3) defining
   the purpose of understanding and developing better and more effective relations in
   working with the entity based on the entity's magnitude of preference of each of the
   twelve cognitive functions; (4) matching the entity with the lifestyle activities and the
   employment activities that build on the strengths and overcome the weaknesses in each
   of the cognitive functions of the entity; (5) assisting the entity in appropriately utilizing
   each of the cognitive functions in a competent and skilled way in everyday real life
   situations to improve effectiveness and productivity; (6) assisting the entity in selecting
   the cognitive functions most appropriate to use at a specific moment in a specific
   situation; and (7) assisting the entity in selecting the appropriate sequence of using
   each of the cognitive functions for more effective cognition to achieve a desired result.